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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 03 213 WHA
)	
Plaintiff,)	STIPULATION TO MODIFY
)	<u>PROBATION AND ORDER (PROPOSED)</u>
v.)	
)	Date: None
OLIVER HILSEN RATH,)	Time: None
)	
Defendant.)	

The parties agree that Mr. Hilsenrath's term of probation should be modified from supervised probation to unsupervised probation for the following reasons:

1. Mr. Hilsenrath has been on pretrial release since December 2004, when he, his wife, and five of his six children traveled from their home in Israel to California so that he could address the criminal charges then pending against him. Since then, and during the approximately one year of probation that he has completed to date, he has complied with the terms of his supervision. (He is currently challenging the DNA testing provision, but he is doing that appropriately in a court setting.)

2. Mr. Hilsenrath's one year of home detention will be completed on July 9, 2008.

3. After Mr. Hilsenrath completes his home detention in July, the Hilsenraths wish to return to Israel. Mrs. Hilsenrath's 87-year-old mother recently suffered an accident. The Hilsenraths'

STIPULATION AND ORDER ~~(PROPOSED)~~
(CR 03 213 WHA)

1 daughter, her family, and the Hilsenraths' grandson all live in Israel, and their older children are
 2 returning there this summer. Put another way, their home is there, not in California. Also, Mr.
 3 Hilsenrath may have an easier time finding employment in Israel.

4 4. Ordinarily, when defendants on probation live abroad, their terms of supervised release or
 5 probation are converted to unsupervised probation or release. Another possibility is terminating
 6 probation entirely. Here, the parties still are working on issues regarding Mr. Hilsenrath's assets
 7 abroad, and continuing probation is appropriate at least until the asset situation is resolved. Also,
 8 the United States's position is that the term of probation is an appropriate one (although after the
 9 asset situation has been resolved, the parties likely will revisit the issue).

10 5. The parties do contemplate that Mr. Hilsenrath will travel back and forth between
 11 California and Israel, partly because of pending litigation but also because at least one child will
 12 be in college here. But under the circumstances of their foreign residence, obtaining approval for
 13 travel (while freely granted by Probation) is unnecessary and burdensome to all.

14 6. Mr. Hilsenrath will remain subject to all the terms and conditions of his probation, with
 15 the exception of supervision by United States Probation, and he will continue to work with the
 16 United States on the asset repatriation. He receives notification of all court appearances (and
 17 changes thereto) by the ECF system, and he promises to make all court appearances (as he has to
 18 date). He also agrees that the terms of his probation may be modified to require him to notify the
 19 Court, the United States, and United States Probation of any and all changes to his home address,
 20 telephone number, and email address.

21 7. United States Probation does not oppose the modification of probation as set forth in this
 22 stipulation and proposed order.

23 STIPULATED: June 10, 2008

24 /s Oliver Hilsenrath
 25 OLIVER HILSENATH
 Defendant

26 /s Laurel Beeler
 27 LAUREL BEELER
 Assistant United States Attorney

1 For the reasons set forth in the parties' request, the Court modifies Oliver Hilsenrath's
2 probation as follows:

3 1. Effective July 9, 2008, Mr. Hilsenrath's term of probation is modified from supervised
4 probation (that is, probation supervised by United States Probation) to unsupervised probation.
5 All other terms and conditions of probation shall remain in effect.

6 2. In addition, the conditions of probation are modified to add the following requirement:
7 Oliver Hilsenrath shall notify the Court, the United States Attorney, and United States Probation
8 of any and all changes to his home address, telephone number, and email address. That may be
9 accomplished by filing a notice of change of address through the Court's ECF system.

10 IT IS SO ORDERED.

11 DATED: June 10, 2008.

12 WILLIAM H. ALSUP
13 United States District Judge
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